

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

GARRETT CARY LESKANIC,

Defendant and Appellant.

G045509

(Super. Ct. No. 09WF1281)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Edward W. Hall III, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\*

\*

\*

Defendant Garrett Cary Leskanic was charged by felony complaint with one count each of possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a))(count 1) and misdemeanor possession of controlled substance paraphernalia (Health & Saf. Code, § 11364) (count 2).

Three days after pleading not guilty, and pursuant to a plea bargain, defendant withdrew his not guilty pleas and pleaded guilty to both counts. Defendant signed and initialed the *Tahl*<sup>1</sup> form waiving his rights, inter alia, to a preliminary hearing, to trial by jury, to confront and cross-examine witnesses, to subpoena witnesses for his defense, to testify in his own behalf, and his privilege against self-incrimination. As the factual basis for his plea, defendant stated: “In Orange County, California, on 6/14/09 I unlawfully possessed a usable quantity of methamphetamine & paraphernalia for its ingestion.”

Pursuant to the plea, the court suspended imposition of sentence and placed defendant on probation for three years on condition, inter alia, that he complete a drug treatment program pursuant to Penal Code section 1210. Thereafter, defendant’s probation was revoked upon the filing of a revocation petition, and, after he admitted the alleged probation violations, the court revoked and reinstated probation on the same terms and conditions as originally imposed. Defendant’s probation was again revoked upon the filing of a new petition. Defendant once again admitted his new probation violations. The court again reinstated probation, but on modified terms and conditions, including that defendant be terminated from the drug treatment program, that he serve 365 days in the Orange County jail on count 1, and 180 days in the Orange County jail on count 2, with the terms to run concurrently. Defendant was given credit for 68 days of actual custody and 34 days of conduct credit, totaling 102 days of custody credit. On motion of appellate counsel, the court later corrected the custody credits, awarding 78

---

<sup>1</sup> *In re Tahl* (1969) 1 Cal.3d 122.

days of actual custody and 78 days of conduct credit, for total custody credits of 156 days.<sup>2</sup>

Defendant timely filed a notice of appeal, and we appointed counsel to represent him. Counsel did not argue against defendant, but advised the court he was unable to find an issue to argue on defendant's behalf. Defendant was given 30 days to file written argument in his own behalf. That period has passed, and we have not received any communication from defendant. We have examined the entire record and have not found an arguable issue. (*People v. Wende* (1979) 25 Cal.3d 436.) Accordingly, we affirm the judgment.

IKOLA, J.

WE CONCUR:

O'LEARY, P. J.

ARONSON, J.

---

<sup>2</sup> Counsel's motion requested credits of 68 days of actual custody and 68 days of conduct credit, totaling 136 days. We cannot determine whether the minute order is the result of a typographical error, or whether there is some other basis for the total award of 156 days. The appellate record does not contain a reporter's transcript for the hearing at which the correction was made.